

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**EDWARD EARL EUELL
#134283**

PLAINTIFF

v.

No: 3:19-cv-00096 KGB-PSH

KEITH BOWERS, *et al.*

DEFENDANTS

PROPOSED FINDINGS AND RECOMMENDATION

INSTRUCTIONS

The following Recommendation has been sent to United States District Judge Kristine G. Baker. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of this Recommendation. By not objecting, you may waive the right to appeal questions of fact.

DISPOSITION

Plaintiff Edward Earl Euell filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 on April 10, 2019 (Doc. No. 2). In the Initial Order for Pro Se Prisoner Plaintiffs issued by the Court on that same date, Euell was notified of the requirement that he comply with the Federal Rules of Civil Procedure and the Local Rules for the Eastern District of Arkansas (Doc. No. 3). He was specifically notified of his duty to notify the Clerk of any change in his address, and that if communication from the Court was not responded to within 30 days, his case could be dismissed. *Id.*

Mail sent to Euell was returned as undeliverable on June 14, and the envelope was entered on the docket. Doc. No. 14. On July 3, 2019, the Court entered a text order notifying Euell that the mail could not be delivered to him because he was no longer at the address he provided. Doc. No. 15. Euell was directed to provide notice of his current mailing address by no later than thirty days from the entry of the July 3, 2019 text order. He was warned that his failure to provide a current mailing address would cause the undersigned to recommend his complaint be dismissed. A printed version of the text order was sent to him at his last known address. The envelope containing the Court's July 3 order could not be delivered to Euell because he was no longer at the address he provided, and the envelope was returned to the Clerk of the Court and entered on the docket. Doc. No. 16. Other mail was also subsequently returned as undeliverable. *See* Doc. No. 17.

More than 30 days have passed, and Euell has not complied or otherwise responded to the July 3 order. Euell failed to notify the Clerk and the other parties to the proceedings of a change in his address as required by Local Rule 5.5(c)(2). Accordingly, the Court finds that this action should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2) and failure to respond to the Court's orders. *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion).

IT IS THEREFORE RECOMMENDED THAT Euell's complaint (Doc. No. 2) be DISMISSED WITHOUT PREJUDICE.

DATED this 6th day of August, 2019.


UNITED STATES MAGISTRATE JUDGE